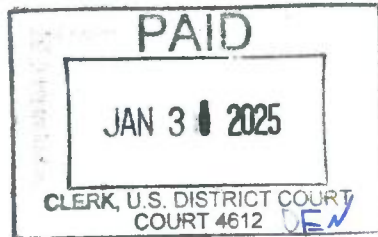


FILED

Aina Dumlao and Bru Muller
3450 W. Cahuenga Blvd., # 510
Los Angeles, CA 90068
Phone: 323-844-3553
E-Mail: ca.microsoft.123@gmail.com
Plaintiffs, In Propria Persona

2025 JAN 31 PM 3:22

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELESBY: GSA

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

BRU MULLER,

AINA DUMLAO,

Plaintiffs,

v.

JOSEPH EVARISTO,
an individual,CATHERINE EVARISTO,
an individual,JOSEPH EVARISTO, AS TRUSTEE
OF THE EVARISTO FAMILY TRUST
DATED MAY 4, 2016,CATHERINE EVARISTO, AS
TRUSTEE OF THE EVARISTO
FAMILY TRUST DATED MAY 4, 2016,

DOES 1 TO 20,

Defendants.

§

Case Number:

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

§

1 **NOW COME** the Plaintiffs, Aina Dumlao and Bru Muller, complaining against the
2 above indicated Defendants, both severally and collectively, in reference to the
3 Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-68,
4 and, in support thereto, aver as follows:
5

6
7 **I.**
8 **JURISDICTION**

9 1. Jurisdiction is proper in this court pursuant to 18 U.S.C. § 1964(c). Venue in the
10 United States District Court, Central District of California, Western Division, is proper
11 pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391 because the Defendants are subject
12 to personal jurisdiction in this judicial district and reside in this district.
13

14
15 **II.**
16 **PARTIES**

17 2. Plaintiffs, Aina Dumlao and Bru Muller, are natural persons residing in Los
18 Angeles, California. Hereinafter, collectively, said Plaintiffs shall be referred to as the
19 “Instant Plaintiffs.”
20

21
22
23 3. Defendants, holding themselves to be Joseph Evaristo and Catherine Evaristo, are
24 natural persons residing in the State of California. Said parties also allege themselves
25 to be Trustees of The Evaristo Family Trust, Dated May 4, 2016, and they are being
26 sued in this capacity, as well, in the instant action. Hereinafter, these said four
27
28

1 defendant parties shall be referred to, collectively, as the Instant Defendants. The
2 conspiracy, alleged in this Original Complaint, is one such that the co-conspirators are
3 these said "Instant Defendants."
4

5
6 4. Although the attorneys, who have represented the Instant Defendants, may be
7 found, upon further examination of the evidence, to be co-conspirators in the RICO
8 violations elucidated herein, that notwithstanding, the Plaintiffs have, at this time,
9 exercised their prerogatives not to name said attorneys as defendants in this action. As
10 per the Ninth Circuit Court Of Appeals:
11

12
13 "A plaintiff need not sue all conspirators; he may choose to sue but one. (See
14 *Karseal Corp. v. Richfield Oil Corp.*, 9 Cir., 1955, 221 F.2d 358). " *Walker*
15 *Distrib. Co. v. Lucky Lager Brewing Co.*, 323 F.2d 1, 8 (9th Cir. 1963)
16

17 **III.**
FACTUAL ALLEGATIONS COMMON TO ALL COUNTS
18

19 **The following comprise the factual allegations common to all counts:**
20

21 **Enterprise**
22

23 18 U.S. Code § 1961(4) defines an enterprise as "any individual, partnership,
24 corporation, association or other legal entity, and any union or group of individuals
25 associated in fact although not a legal entity."
26

27 The conspirators need not have agreed to commit or facilitate each and every part
28 of the substantive offense. *Howard*, 208 F.3d 741, 751 9th Cir. 2000 citing *Salinas v.*

1 *United States*, 522 U.S. 52, 65 1997. However, the conspirators must have been
2 "aware of the essential nature and scope of the enterprise and intended to participate
3 in it." *Id.* citing *Baumer v. Pachl*, 8 F.3d 1341, 1346 9th Cir. 1993. The "agreement
4 need not be express as long as its existence can be inferred from words, actions, or
5 interdependence of activities and persons involved." *Oki Semiconductor Co.*, 298 F.3d
6 at 775. If a RICO conspiracy is demonstrated, "[a]ll conspirators are liable for the acts
7 of their co-conspirators." *Id.*

10 Pursuant to 18 U.S. Code § 1961(4), the enterprise that is subject of this action
11 consists in a "group of individuals associated in fact although not a legal entity,"
12 namely a conspiratorial dyad (i.e. a group of two people) consisting in the Instant
13 Defendants.

15 Said enterprise, by means of extortion, have been engaging in the pattern and
16 practice of utilizing court action to serve as menaces, consisting in the wrongful use
17 of force or fear, in order to illegally coerce the Instant Plaintiffs – who are, and have
18 been, defendants in sequential unlawful detainer actions in which the Instant
19 Defendants have been or are the impostor plaintiffs – to pay the Instant Defendants
20 rent and/or grant the Instant Defendants possession of the pertinent rental unit
21 (hereinafter referred to as the "Subject Property") even though, as the Instant
22 Defendants are not the true trustees in reference to the sole titleholder of the Subject
23 Property; namely "The Evaristo Family Trust, Dated May 4, 2016."

1 **Racketeering Activity**

2 As shall be fully elucidated henceforth, the Instant Defendants, in conspiracy with
3 each other, have been engaging in aforesaid ongoing, continuous pattern and practice
4 of racketeering, as defined in 18 U.S. Code § 1961(5).
5

6 Said racketeering activity started upon the filing, by the Instant Defendants, of the
7 Original Complaint, in the Instant Defendants' first unlawful detainer action against
8 the Instant Plaintiffs, on June 6, 2023, in the Superior Court Of Los Angeles County
9 (case number 23STUD07753); moreover, said racketeering activity continues in the
10 present and and threatens to proceed for months, or even years, into the future. Said
11 racketeering specifically consists in Extortion (18 USC § 1961(1)(A)) and Mail Fraud
12 (i.e. 18 U.S. Code § 1341).
13
14
15
16

17 **18 USC § 1961(1)(A) – EXTORTION**

18 **18 USC § 1961(1)(A) states that “racketeering” activity may be constituted**
19 **by:**

20 “any act or threat involving murder, kidnapping, gambling, arson, robbery,
21 bribery, extortion, dealing in obscene matter, or dealing in a controlled
22 substance or listed chemical (as defined in section 102 of the Controlled
23 Substances Act), which is chargeable under State law and punishable by
24 imprisonment for more than one year” [Emphasis Added]

25 Furthermore, under California Penal Code §§ 518 and 519, define the crime of
26 extortion as pursuant to California law. California Penal Code §§ 518 and 519 state as
27 follows:
28

1 **“518. Extortion is the obtaining of property from another, with his**
2 **consent, or the obtaining of an official act of a public officer,**
3 **induced by a wrongful use of force or fear, or under color of**
official right.

4 **519. Fear, such as will constitute extortion, may be induced by a**
5 **threat...**

6 **... To do an unlawful injury to the person or property of the**
7 **individual threatened or of a third person; ...**

8 Aforesaid “enterprise,” consisting in the Instant Defendants' committing of
9 extortion against the Plaintiffs by fraudulently misrepresenting their true identities
10 and, pretending to be the only proper plaintiff parties in said unlawful detainer
11 actions, utilizing said misrepresentation as the basis upon which to sue the Instant
12 Plaintiffs in two sequential unlawful detainer actions in the Superior Court Of The
13 County Of Los Angeles – case numbers 23STUD07753 and 24STCV10207 – in order
14 to coerce the instant Plaintiffs give them rents for, and possession of, the Subject
15 Property.
16
17

18 Said Subject Property is legally owned by “The Evaristo Family Trust, Dated May
19 4, 2016,” as indicated in the respective Deed. Thus, the only legal proper party in
20 interest, in aforesaid unlawful detainer actions, are the trustees of said trust:
21

22 **“Where the right sued upon relates to trust property, the trustee is the real**
23 **party in interest with standing to prosecute an action. (King v. Johnston**
24 **(2009) 178 Cal.App.4th 1488, 1500; Saks v. Damon Raike & Co. (1992) 7**
25 **Cal.App.4th 419, 427 (Saks).” Gonzalez v. Michelucci-Hardrick, No. D053582,**
at *1 (Cal. Ct. App. Jan. 13, 2010) [Emphasis Added]
26
27
28

1 Like a very greased pig in a bad college prank, the slippery Instant Defendants
2 have, without deviation, repeatedly and fervently insisted on refusing to provide
3 any proof that they are the true trustees of The Evaristo Family Trust, Dated May
4 4, 2016.
5

6 As indicated in the attached chart (Exhibit A), entitled "Evidence Of Evasion
7 Of Identity In Four (4) Actions," the Instant Defendants, in four different court
8 actions in which they have been involved with the Instant Plaintiffs, have, inter
9 alia, refused to honor several *Notices Of Deposition* as well as *Subpoenas* to
10 appear in court, and refused to answer several sets of *Interrogatories* and *Requests*
11 *For Production* that have sought identifying information and requests for copies of
12 **Government-Issued Photo I.D.'s** and the **Trust Agreement** for The Evaristo
13 Family Trust, Dated May 4, 2016.
14
15
16

17 The Instant Defendants egregiously evasive behavior finds its acme, on
18 October 9, 2024, in one of the two sequential unlawful detainer cases (namely
19 24STCV10207), in response to Bru Muller's *Requests for Production* and
20 *Interrogatories* to Joseph Evaristo, Trustee, and Catherine Evaristo, Trustee,
21 Instant Defendants' attorneys Edrin Shamtab and Eva Kobi made the bizarre claim
22 that "there is no such party as Joseph Evaristo, Trustee, and no such party as
23 Catherine Evaristo, Trustee" in said unlawful detainer action, even though, as
24 explained heretofore, the trustees, of aforesaid trust, are the only parties that
25
26
27
28

1 legally have standing to civilly prosecute any unlawful detainer action in reference
2 to the Subject Property:
3

4 **Joseph Evaristo:**

5
6 **“Such interrogatory is seeking responses from “JOSEPH EVARISTO
7 AS TRUSTEE OF THE EVARISTO FAMILY TRUST DATED MAY
8 4, 2016” and that is a party that does not exist in this matter. The
9 Plaintiff is JOSEPH EVARISTO AND CATHERINE EVARISTO, AS
10 TRUSTEES OF THE EVARISTO FAMILY TRUST DATED MAY 4, 2016
11 and Responding Party cannot intelligently respond to the interrogatory as
12 written.”**

13 **Catherine Evaristo:**

14 **“Such interrogatory is seeking responses from “CATHERINE
15 EVARISTO AS TRUSTEE OF THE EVARISTO FAMILY TRUST
16 DATED MAY 4, 2016” and that is a party that does not exist in
17 this matter. The Plaintiff is JOSEPH EVARISTO AND CATHERINE
18 EVARISTO, AS TRUSTEES OF THE EVARISTO FAMILY TRUST DATED
19 MAY 4, 2016 and Responding Party cannot intelligently respond to the
20 interrogatory as written.”**

21
22 Whereas the evidence that supports this “Impostor Theory” is circumstantial,
23 nevertheless, the abundance of the circumstantial evidence as indicated in the
24 attached Exhibit entitled “Evidence Of Evasion Of Identity In Four (4) Actions” is
25 so overwhelming, that – especially given the Instant Defendants incorrigible
26 refusal to provide any proof of their true identities or to support their averment
27 that they are trustees of The Evaristo Family Trust, Dated May 4, 2016 (e.g. the
28 Trust Agreement) – a reasonable person would be virtually compelled to find that,

1 on a balance of the probabilities, it is more likely than not that the Instant
2 Defendants are indeed impostors in the four actions (including the two sequential
3 unlawful detainer cases), as indicated in said exhibit entitled "Evidence Of
4 Evasion Of Identity In Four (4) Actions."
5

6 With such a preponderance of circumstantial evidence in support of the fact
7 that the Instant Defendants are indeed imposters who have been litigating against
8 the Instant Plaintiffs without standing to do so, and, without legal right, harming
9 the Instant Defendants in this way, a jury should be allowed to weigh said
10 circumstantial evidence in order to decide whether the Instant Plaintiffs have met
11 their burden to prove on a balance of the probabilities, it is more likely than not
12 that the Instant Defendants should be deemed to be culpable for said impostor-ism.
13 Moreover, as a matter of law, circumstantial evidence should be treated in like
14 manner as direct evidence:
15
16
17

18
19 **"The Court stated that 'the reason for treating circumstantial and direct**
20 **evidence alike is both clear and deep-rooted: 'Circumstantial evidence is not**
21 **only sufficient, but may also be more certain, satisfying and persuasive than**
22 **direct evidence.'**" *Id.* (quoting *Rogers v. Missouri Pacific R. Co.*, 352 U.S. 500,
23 508 n. 17, 77 S.Ct. 443, 1 L.Ed.2d 493 (1957))." [*Id.* is *Desert Palace, Inc. v.*
24 *Costa*, 539 U.S. 90 (2003)]" *Stegall v. Citadel Broadcasting Co.*, 350 F.3d 1061,
25 1066-67 (9th Cir. 2003)
26
27
28

1 **Predicate Acts**

2 In order for RICO to apply to this case, it is incumbent on the Instant Plaintiff
3 to prove that the Instant Defendants, in aforesaid unlawful detainer actions
4 engaged in at least two predicate criminal acts, the types of which are described in
5 18 USC § 1961(1)(B).
6

7 The one type, of said predicate criminal acts, that best describes the Instant
8 Defendants' conspiratorial activity as is relevant to this instant action, is Mail
9 Fraud (i.e. 18 U.S. Code § 1341).
10

11
12
13 **U.S. Code § 1341 (Mail Fraud) states:**

14 **“Whoever, having devised or intending to devise any scheme or artifice to**
15 **defraud, or for obtaining money or property by means of false or**
16 **fraudulent pretenses, representations,** or promises, or to sell, dispose of, loan,
17 use any counterfeit or spurious coin, obligation, security, or other article, or
18 anything represented to be or intimated or held out to be such counterfeit or
19 **spurious article, for the purpose of executing such scheme or artifice or**
20 **attempting so to do, places in any post office or authorized depository for**
21 **mail matter, any matter or thing whatever to be sent or delivered by the**
22 **Postal Service, or deposits or causes to be deposited any matter or thing**
23 **whatever to be sent or delivered by any private or commercial interstate**
24 **carrier,** or takes or receives therefrom, any such matter or thing, or knowingly
25 causes to be delivered by mail or such carrier according to the direction thereon,
26 or at the place at which it is directed to be delivered by the person to whom it is
27 addressed, any such matter or thing, **shall be fined under this title or**
28 **imprisoned not more than 20 years, or both.** If the violation occurs in relation
to, or involving any benefit authorized, transported, transmitted, transferred,
disbursed, or paid in connection with, a presidentially declared major disaster or
emergency (as those terms are defined in section 102 of the Robert T. Stafford
Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a
financial institution, such person shall be fined not more than \$1,000,000 or

1 imprisoned not more than 30 years, or both.” [Emphasis Added]

2
3 Indeed, in reference to evidentiary matters 3, 4, 5, 6, 7, 9, 10, 12, 13, 14, 15, 16,
4 17, 18, 19, 20, 21, 23, 24, and 25, in aforesaid “Evidence Of Evasion Of Identity In
5 Four (4) Actions,” the Instant Defendants utilized the United States Postal Service
6 and Federal Express to send fraudulent documents to the Instant Plaintiffs.
7

8 Moreover, each said mailed or couriered document(s) was fraudulent insofar as
9 said document(s) engage in the fraudulent misrepresentation that the impostors are, in
10 fact, the true trustees of The Evaristo Family Trust, Dated May 4, 2016. In this way,
11 each mailed or couriered document is an artifice of fraud.
12

13
14
15 *Interstate or Foreign Commerce*

16 The “interstate commerce requirement,” as contained in 18 U.S.C. § 1962(c), is
17 satisfied if either the activity of the enterprise or the predicate acts of racketeering
18 affect interstate commerce. At law, the use of the United States Postal Service, or of
19 any private, nationwide courier service, necessarily satisfies the requirement of
20 “affecting interstate commerce” simply because said nationwide postal and delivery
21 companies constitute interstate entities. For this reason, it is not necessary that any
22 predicate acts, consisting in use of the services of said companies, consist in mailing
23 or delivery to other states in order to be relevant to the respective the RICO claim. In
24 fact, said “affecting interstate commerce” requirement is satisfied even if the
25
26
27
28

1 predicate acts consisted on intrastate mailings or deliveries:

2
3 **"For example, under 18 U.S.C. § 1341, the federal mail fraud statute, it is a**
4 **federal offense to utilize the United States' mail system to perpetrate**
5 **fraudulent schemes. Under this statute, the use of the United States' mail**
6 **system, regardless of whether the mail travels interstate, is a crime.** This
7 statute has been held to be constitutional. See *Parr v. U.S.*, 363 U.S. 370, 80 S.Ct. 1171, 4 L.Ed.2d 1277 (1960); *U.S. v. States*, 488 F.2d 761 (8th Cir.), cert. denied, 417 U.S. 909, 950, 94 S.Ct. 2605, 3078, 41 L.Ed.2d 212, 671 (1973)" *U.S. v. Schroeder*, 912 F. Supp. 1240, 1245 (D. Ariz. 1995) [Emphasis Added]

8
9 **"Unlike the federal wire fraud statute, mail fraud under 18 U.S.C. § 1341**
10 **does not require proof of an interstate communications. All that is required**
11 **is that the communication is sent or delivered by the U.S. Postal Service or**
12 **by any private or commercial interstate mail carrier."** *Saniefar v. Moore*,
13 1:17-cv-00823-LJO-BAM, at *18 n.5 (E.D. Cal. Dec. 1, 2017) [Emphasis Added]

14
15 **IV.**
16 **EXPANDED FACTUAL BACKGROUND**

17
18 1. On October 23, 2014, Plaintiffs Bru Muller and Aina Dumlao entered into a rental
19 agreement with Cahuenga Pass Development, in regards to a unit at 3450 W.
20 Cahuenga Blvd., Unit 510, Los Angeles, California 90068.
21

22
23 2. Plaintiffs rented said unit from October 23, 2014 to early October 2022, without
24 incident.
25
26
27
28

1 3. On or about October 8, 2022, Plaintiffs became aware from a person named “Joe
2 Evaristo,” that a new party named the “Evaristo Family Trust,” purportedly owned
3 Unit 510, the unit that Plaintiffs were renting.
4

5
6 4. This new purported ownership of the property occurred during the COVID-19
7 epidemic, and pursuant to the County of Los Angeles and the City of Los Angeles,
8 renter protections were in place, so that renters experiencing financial hardship due to
9 COVID-19 could pay their rent due, at a later date.¹¹ On June 26, 2023, an *Unlawful*
10 *Detainer Complaint* in the Superior Court of California, County of Los Angeles, Case
11 number 23STUD07753, was filed by, “Joe Evaristo,” against Aina Dumlao and Bru
12 Muller. Joe Evaristo was the only Plaintiff listed in the *Original Complaint*.
13
14
15
16

17 5. The *Original Complaint* was required to be verified, under penalty of perjury, by
18 the Plaintiff, Joe Evaristo. Joe Evaristo was required to sign his name *in handwriting*
19 on the verification, but this did not happen. Instead, Joe Evaristo's attorney, Edrin
20 Shamtab, conspicuously applied a generic “e-signature” for Joe Evaristo – not Joe
21 Evaristo's real signature.
22
23
24

25 6. On March 1, 2024, a “*Notice of Deposition*” was served upon Joe Evaristo, via his
26 attorney, Edrin Shamtab. Joe Evaristo was asked to appear at a deposition in-person,
27 and provide photo identification.
28

1 7. On Sunday, March 3, 2024, three days after Joe Evaristo was served the *Notice of*
2 *Deposition*, his attorney, Edrin Shamtab conspicuously and frantically e-served
3 parties to the case (multiple times in one day) with a "*Request for Dismissal*" of Joe
4 Evaristo's first *Unlawful Detainer Complaint*.
5

6
7 8. On Monday, March 4, 2024, Joe Evaristo's first *Unlawful Detainer Complaint* was
8 dismissed by the Clerk of the Court.
9

10
11 9. There was no explanation, in reference to said *Notice of Dismissal*, as to why this
12 dismissal was requested. Conspicuously, the dismissal caused the deposition of Joe
13 Evaristo to be canceled, so that Joe Evaristo was no longer required to appear in-
14 person with his photo identification.
15
16

17
18 10. On April 23, 2024, a *Complaint for Unlawful Detainer* was filed in the Superior
19 Court of California, County of Los Angeles, case number 24STCV10207, by new
20 plaintiffs: "Joseph Evaristo And Catherine Evaristo as Trustees of The Evaristo
21 Family Trust Dated May 4, 2016."
22
23

24
25 11. Said new *Complaint* was filed by attorney Bijan Shakibkoo, who works at the
26 same law firm as Edrin Shamtab; said firm being the SNS Law Group, LLP. In said
27
28

1 new *Complaint*, the plaintiff conspicuously changed his legal name to “Joseph
2 Evaristo.”

3
4
5 12. Said new *Complaint* was required to be verified under penalty of perjury, and
6 *hand- signed* by the Plaintiff trustees on behalf of the trust. Joseph Evaristo and
7 Catherine Evaristo, as alleged trustees of the Evaristo Family Trust, each purportedly
8 signed their names. However, as will be explained later, these two signatures do not
9 match any other prior or subsequent signatures for these two Instant Defendants.
10

11
12
13 13. Earlier in 2024 (March 22, 2024), in the Superior Court, County of Los Angeles,
14 Bru Muller and Aina Dumlao filed a “*Verified Complaint for Breach of Rental/Lease*
15 *Contract*, ” against Joe Evaristo, Joseph Evaristo, Catherine Evaristo, and the Evaristo
16 Family Trust Dated May 4, 2016 (case number 24STCV07207). On June 27, 2024,
17 the Evaristos filed an Answer to the aforesaid Complaint. The Answer was required to
18 be verified, but was not:
19
20

21 “ ‘ **Where a complaint is verified, as it was here, the answer also must be**
22 **verified...**’ (21 Cal.Jur. 237). (*Hearst v. Hart*, (1900) 128 Cal. 327 [60 P. 846];
23 *H.G. Bittleston Law etc. Agency v. Howard*, (1916) 172 Cal. 357, 362 [156 P.
24 515])” *French v. Smith Booth Usher Co.*, 56 Cal.App.2d 23, 29 (Cal. Ct. App.
25 1942) [Emphasis Added]

26 14. The non-verified Answer was filed by attorneys Devin De Loa and Robert
27 Hufnagel, of Resnick and Louis, P.C.. Even though the Answer was required to be
28

1 verified under penalty of perjury, and hand-signed by Joe Evaristo, Joseph Evaristo,
2 and Catherine Evaristo, nevertheless, it was, conspicuously, instead signed by their
3 attorneys.
4

5
6 15. On September 26, 2024, an improper "*Verified Amended Answer*" was filed by
7 attorneys Devin De Loa and Robert Hufnagel, of Resnick and Louis, P.C., on behalf
8 of the Evaristos. The *Verified Amended Answer* was not verified by any of the
9 defendants. It was instead verified by attorney Devin De Loa, with no explanation, as
10 required by California Code of Civil Procedure § 446(a), which states, in part:
11

12
13 "When the pleading is verified by the attorney, or any other person except one of
14 the parties, he or she shall set forth in the affidavit the reasons why it is not made
15 by one of the parties."
16

17
18 16. Attorneys Robert Hufnagel and Devin De Loa provided no required affidavit, and
19 no reason whatsoever why Joe Evaristo, Joseph Evaristo, and Catherine Evaristo
20 could not sign the Verified Answer.
21

22
23 17. On October 9, 2024, in the aforesaid Unlawful Detainer case, in response to Bru
24 Muller's Requests for Production and Interrogatories to Joseph Evaristo, Trustee, and
25 Catherine Evaristo, Trustee, attorneys Edrin Shamtab and Eva Kobi made the bizarre
26
27
28

1 claim that there is, in said action, no such party as Joseph Evaristo, Trustee, and no
2 such party as Catherine Evaristo, Trustee:
3

4 **Joseph Evaristo:**

5 **“Such interrogatory is seeking responses from “JOSEPH EVARISTO**
6 **AS TRUSTEE OF THE EVARISTO FAMILY TRUST DATED MAY**
7 **4, 2016” and that is a party that does not exist in this matter. The**
8 **Plaintiff is JOSEPH EVARISTO AND CATHERINE EVARISTO, AS**
9 **TRUSTEES OF THE EVARISTO FAMILY TRUST DATED MAY 4, 2016**
10 **and Responding Party cannot intelligently respond to the interrogatory as**
11 **written.”**

12 **Catherine Evaristo:**

13 **“Such interrogatory is seeking responses from “CATHERINE**
14 **EVARISTO AS TRUSTEE OF THE EVARISTO FAMILY TRUST**
15 **DATED MAY 4, 2016” and that is a party that does not exist in**
16 **this matter. The Plaintiff is JOSEPH EVARISTO AND CATHERINE**
17 **EVARISTO, AS TRUSTEES OF THE EVARISTO FAMILY TRUST DATED**
18 **MAY 4, 2016 and Responding Party cannot intelligently respond to the**
19 **interrogatory as written.”**

20 18. Since a trust is not a natural person, the trustee(s) must represent the trust and are
21 the only parties who can. Since a trust can't answer any questions or produce
22 documents, by claiming that the “Evaristos As Trustees” don't exist in this case, the
23 Evaristos avoided answering any questions, and avoided producing any documents
24 which would have allowed the Instant Defendants to prove their true identities and
25 prove any ownership in the subject property.
26
27
28

1 19. Furthermore, these evasive responses from Joseph Evaristo and Catherine
2 Evaristo to Bru Muller's *Requests for Production* and *Interrogatories* to them, were
3 not signed by either Joseph Evaristo or Catherine Evaristo. Instead, attorneys Edrin
4 Shamtab and Eva Kobi signed on behalf of the Evaristos, and responded only with
5 objections. California Code of Civil Procedure § 2030.250 requires that, "The party to
6 whom the interrogatories are directed shall sign the response under oath unless the
7 response contains only objections. [Emphasis Added]
8
9

10
11 20. Suddenly, on October 14, 2024, the Evaristos, as individuals, suspiciously did
12 exist, and were movants in a Bankruptcy Court matter. Bru Muller filed for Chapter
13 13 bankruptcy in the United States Bankruptcy Court, Central District, case number
14 2:24-bk-18194-WB. A, "*Motion for Relief from the Automatic Stay*," was filed by
15 attorneys Matthew Resnik and David Kritzer, of RHM Law LLP, on behalf of Joseph
16 Evaristo and Catherine Evaristo.
17
18

19
20
21 21. The aforesaid Motion stated that Matthew Resnik and David Kritzer were
22 representing "Joseph Evaristo" and "Catherine Evaristo." The PACER system, under
23 "Parties" listed Matthew Resnik and his law firm, RHM Law LLP, as representing
24 "Joseph Evaristo" and "Catherine Evaristo," as individuals.
25
26
27
28

1 22. The aforesaid *Motion For Relief From The Automatic Stay* conspicuously failed to
2 provide the required proof of ownership for Unit 510 at 3450 W. Cahuenga
3 Boulevard, Los Angeles in order to establish the movant's standing. A *Motion For*
4 *Relief From The Automatic Stay* must include actual proof that the movant(s) own the
5 property that that is the subject of the motion. This proof of ownership must be
6 attached to the *Motion*. No such proof was attached.
7
8
9

10 23. The aforesaid *Motion* contained a *Declaration* under penalty of perjury from
11 “Joseph Evaristo, As Trustee” who stated that he is indeed one of the two movants.
12 He is the same party whom his attorneys, in aforesaid Superior Court Case, claimed
13 does not exist. The aforesaid *Declaration* of Joseph Evaristo stated, under penalty of
14 perjury: “*I am one of the Movants and a Trustee of The Evaristo Family Trust dated*
15 *May 4, 2016 which owns the property.*”
16
17
18
19

20 24. In the aforesaid Motion, the Declaration of Joseph Evaristo contains a signature,
21 under penalty of perjury, that is completely different from his alleged signature in the
22 Unlawful Detainer Complaint, Superior Court of California, County of Los Angeles,
23 Case # 24STCV10207, filed on April 23, 2024.
24
25
26

27 25. In what would be the FIRST of THREE separate instances, David Kritzer, the
28

1 attorney for the Evaristos in the Bankruptcy Court, in a completely bizarre and
2 fraudulent manner, claimed he and his law office were not representing the Evaristos,
3 when in fact he was, and his law office was.
4

5
6 26. On October 24, 2024, Bru Muller hired a California registered process server,
7 who went in-person to the law office of David Kritzer and Matthew Resnik, in
8 Encino, California. Said process server attempted to serve Subpoenas (issued by Bru
9 Muller's attorney) upon Joseph Evaristo, and Catherine Evaristo, in the case that
10 David Kritzer and his office were representing the Evaristos in (i.e. *Motion From*
11 *Relief From The Automatic Stay*). The process server was told point blank by Mr.
12 Kritzer, in this FIRST INSTANCE that neither Mr. Kritzer, nor his law office would
13 accept documents for the Evaristos, and that his office did not represent the Evaristos.
14 The process server was confused by this outright lie, and did not leave the documents.
15
16
17
18

19
20 27. On October 28, 2024, the same California registered process server again tried to
21 serve *Subpoenas* (issued by Bru Muller's attorney) in the case that David Kritzer and
22 his office were representing the Evaristos in. The process server was again told in this
23 SECOND INSTANCE by Mr. Kritzer, that Mr. Kritzer would not accept documents
24 for the Evaristos, and that his office did not represent them. The process server left
25 the Subpoena's with Mr. Kritzer, regardless.
26
27
28

1 28. On October 29, 2024, attorney David Kritzer and Matthew Resnik filed a *Reply*
2 on behalf of the Evaristos in the Bankruptcy Court, regarding the *Motion For Relief*
3 *from the Automatic Stay*, despite one day earlier, claiming that they didn't represent
4 the Evaristos.
5

6
7 29. The Evaristos, who were both Subpoenaed and were required to appear in-person
8 at the November 5, 2024 Hearing, along with documents and identification, failed to
9 do so. The Subpoenas were issued by a licensed California attorney representing Bru
10 Muller. Furthermore, neither of the Evaristos filed a Motion To Quash the Subpoenas.
11 The Subpoenas therefore, were valid.
12
13

14
15 30. The hearing on the Motion for Relief from the Automatic Stay was continued, and
16 Bru Muller had two new *Subpoenas* issued by his attorney for the next court hearing.
17 Bru Muller hired a California registered process server, who went in-person to the law
18 office of David Kritzer and Matthew Resnik, in Encino, California. Said process
19 server tried to serve Subpoenas (issued by Bru Muller's attorney) upon Joseph
20 Evaristo, and Catherine Evaristo. The process server was told by Mr. Kritzer in a
21 THIRD INSTANCE that Mr. Kritzer would not accept documents for the Evaristos,
22 and that his office did not represent them. The process server left the documents
23 nonetheless.
24
25
26
27
28

1 31. The Evaristos, who were both Subpoenaed and were required to appear in-person
2 at a November 19, 2024 hearing, along with documents and identification, failed to
3 do so. The Subpoenas were issued by a licensed California attorney representing Bru
4 Muller. Furthermore, neither of the Evaristos filed a Motion To Quash the Subpoenas.
5 The Subpoenas therefore, were valid.
6

7
8
9 32. Plaintiffs obtained an FBI Report from a private investigator, Said report
10 discovered that Joseph Evaristo has 11 aliases. According to the same aforesaid FBI
11 Report, Joseph Evaristo has two (2) Social Security Numbers. Also, one of Joseph
12 Evaristo's Social Security Numbers belongs to a DEAD MAN.
13

14
15 **VI.**
16 **COUNTS UNDER RICO § 1962(c)**
17

18 1. The allegations of all paragraphs heretofore are incorporated herein by reference.

19 All count herein are against the Instant Defendants.
20

21
22 2. The Instant Defendants have constituted, and still do constitute, a conspiratorial
23 group (i.e. a dyad) operating as an enterprise engaged in a pattern and practice of
24 racketeering activity consisting in using the mails to engage in fraudulent
25 misrepresentations, contrary to U.S. Code § 1341 (Mail Fraud), and, by virtue thereof,
26 affect interstate commerce as defined in said Code and the binding case law.
27
28

1 3. The Instant Defendants acts of mailing or sending by Federal Express, a
2 nationwide courier, as indicated in evidentiary facts as discussed in matters 3, 4, 5, 6,
3 7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 6, and 25, in aforesaid "Evidence
4 Of Evasion Of Identity In Four (4) Actions," constitute a pattern of racketeering
5 activity as defined in 18 U.S.C. § 1961(5).
6
7
8

9 4. The Instant Defendants have directly and indirectly conducted and participated in
10 the conduct of aforesaid enterprise's affairs through the pattern and practice of
11 racketeering activity, as described heretofore, in violation of 18 U.S.C. § 1962(c).
12
13

14 5. As a direct and proximate result of the counts, in the Instant Defendants'
15 racketeering activities and violations of 18 U.S.C. § 1962(c), the Instant Plaintiffs
16 have been injured in their persons and property in that the they have been made to
17 incur attorney fees, costs of litigation, and emotional distress.
18
19
20

21 **VII.**
22 **PRAYER FOR RELIEF**

23
24 **WHEREFORE**, Plaintiffs request that this Court enter judgment against the Instant
25 Defendant(s) such that the Plaintiffs are awarded relief that includes:
26
27

28 A. Compensatory Damages, both Economic and Non-Economic of \$440,000;

1 B. Exemplary Damages;

2 C. Threefold Damages, plus Costs and Attorney Fees, pursuant to 18 U.S.C. §
3 1964(c);

4 D. And further relief is granted to the Plaintiffs as this Honorable Court shall
5 deem to be appropriate and just.
6

7
8 Dated: January 31, 2025
9

10 Respectfully Submitted,

11 
12 _____
13 Aina Dumlao, Plaintiff

14 Respectfully Submitted,

15 
16 _____
17 Bru Muller, Plaintiff
18

19 **JURY DEMAND**

20 The Plaintiff asserts her right to trial by jury, and makes this demand for jury trial.
21

22
23 Respectfully Submitted this 31st Day of January, 2025

24 
25 _____
26 Aina Dumlao, Plaintiff
27
28

Respectfully Submitted this 31st Day of January, 2025


Bru Muller, Plaintiff

VERIFICATION BY CERTIFICATION

Under penalties of perjury, as provided by law, I certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies as aforesaid that I verily believe the same to be true.

Respectfully Submitted this 31st Day of January, 2025


Aina Dumlao, Plaintiff

Respectfully Submitted this 31st Day of January, 2025


Bru Muller, Plaintiff

EXHIBIT A**EVIDENCE OF EVASION OF IDENTITY
IN FOUR (4) COURT ACTIONS**

DATE	COURT & TYPE	CASE NUMBER	CASE TITLE	INDICIAE OF INTENT TO CONCEAL IDENTITY
1. 10/08/22	N/A	N/A	N/A	No prospective buyer of Unit 510, 3450 W. Cahuenga, Los Angeles, ever walked through the unit before purchasing it.
2. 10/08/22	N/A	N/A	N/A	No one named "Evaristo" ever identified themselves in-person, to the Plaintiffs at or around the time of the purported purchase.
3. 06/06/23	Los Angeles Superior Court Unlawful Detainer	23STUD07753	Joe Evaristo v. Aina Dumlao, et al.	Under penalty of perjury, in a Complaint, "Joe Evaristo" uses an electronic signature, instead of a required <i>hand-signed</i> signature.
4. 03/23/24	Los Angeles Superior Court Unlawful Detainer	23STUD07753	Joe Evaristo v. Aina Dumlao, et al.	Joe Evaristo was asked to appear at a deposition in-person, and provide photo identification. On Sunday, March 3, 2024, three days after Joe Evaristo was served the Notice of Deposition, his attorney frantically e-served parties to the case (multiple times in one day, on a Sunday) with a "Request for Dismissal" of Joe Evaristo's Unlawful Detainer Complaint. Said Complaint was dismissed.

5.	04/23/24	Los Angeles Superior Court Unlawful Detainer	24STCV10207	Joseph Evaristo And Catherine Evaristo As Trustees of The Evaristo Family Trust, Dated May 4, 2016 v. Aina Dumlao, et al.	<p>Joe Evaristo suddenly changed his legal name on court documents to "Joseph Evaristo," and an Unlawful Detainer Complaint against Aina Dumlao and Bru Muller was filed with the Plaintiff as: Joseph Evaristo And Catherine Evaristo As Trustees of The Evaristo Family Trust, Dated May 4, 2016</p>
6.	04/23/24	Los Angeles Superior Court Unlawful Detainer	24STCV10207	Joseph Evaristo And Catherine Evaristo As Trustees of The Evaristo Family Trust, Dated May 4, 2016 v. Aina Dumlao, et al.	<p>The Complaint in #5 above, was required to be verified under penalty of perjury, and <i>hand-signed</i> by the Plaintiff trustees on behalf of the trust. Joseph Evaristo as trustee of the Evaristo Family Trust, and Catherine Evaristo, as trustee of the Evaristo Family Trust, each purportedly signed their names. However, these two signatures do not match any other alleged subsequent signatures for these two people.</p>
7.	06/27/24	Los Angeles Superior Court Civil Case Civil Case filed by Bru Muller and Aina Dumlao	24STCV07207	Bru Muller, et al. v. Joe Evaristo, et al.	<p>The Evaristos filed an Answer to a Complaint filed by Muller and Dumlao. The Answer was required to be verified under penalty of perjury, and <i>hand-signed</i> by Joe Evaristo, Joseph Evaristo and Catherine Evaristo. It was instead signed by their attorneys. This suspiciously allowed not only Catherine Evaristo to avoid signing, but it allowed both <u>Joe Evaristo</u> and <u>Joseph Evaristo</u> NOT to individually sign their names.</p>
8.	06/27/24	Los Angeles Superior Court Civil Case filed by Bru Muller and Aina Dumlao	24STCV07207	Bru Muller, et al. v. Joe Evaristo, et al.	<p>Answer in # 7 above, had no explanatory Affidavit as required by California Code of Civil Procedure § 446(a), as to why Joe Evaristo, Joseph Evaristo, and Catherine Evaristo could not personally sign the Answer.</p>

9.	10/09/24	Los Angeles Superior Court Unlawful Detainer	24STCV10207	Joseph Evaristo And Catherine Evaristo As Trustees of The Evaristo Family Trust, Dated May 4, 2016 v. Aina Dumlao, et al.	In response to Bru Muller's Requests for Production and Interrogatories to Joseph Evaristo, Trustee, and Catherine Evaristo, Trustee, the Evaristos made the bizarre claim that there is no such party as Joseph Evaristo, Trustee, and no such party as Catherine Evaristo, Trustee.
10.	10/09/24	Los Angeles Superior Court Unlawful Detainer	24STCV10207	Joseph Evaristo And Catherine Evaristo As Trustees of The Evaristo Family Trust, Dated May 4, 2016 v. Aina Dumlao, et al.	By claiming that the Evaristos don't exist, the Evaristos avoided answering any questions, and producing any documents, which would prove their identities and ownership in the subject property on Cahuenga Blvd.
11.	10/09/24	Los Angeles Superior Court Unlawful Detainer	24STCV10207	Joseph Evaristo And Catherine Evaristo As Trustees of The Evaristo Family Trust, Dated May 4, 2016 v. Aina Dumlao, et al.	By responding only with objections, this evasiveness in # 9 above, allowed the Evaristos to avoid <i>hand-signing</i> their responses, and as per code, their attorneys were allowed to sign instead.

12.	10/14/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	Suddenly, the Evaristos, as individuals, suspiciously did exist, and were movants in a Bankruptcy Court matter. Bru Muller filed a bankruptcy, and a "Motion for Relief from the Automatic Stay," was filed by new attorneys on behalf of Joseph Evaristo and Catherine Evaristo, as individuals.
13.	10/14/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	The Motion in #12 above, suspiciously failed to provide the required proof of ownership for Unit 510 at 3450 W. Cahuenga Boulevard, Los Angeles. A Motion For Relief From The Automatic Stay must include actual proof that the movants own the property that that is the subject of the motion. This proof of ownership must be attached to the Motion. No such proof was attached.
14.	10/14/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	The Motion in #12 above, contained a Declaration by Joseph Evaristo. Declaration contains a signature, under penalty of perjury, that is completely different from his alleged signature on the Unlawful Detainer Complaint, Superior Court of California, County of Los Angeles, Case # 24STCV10207, filed on April 23, 2024.
15.	10/24/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	Subpoenas for Joseph and Catherine Evaristo to appear in court with their identification and trust documents were evaded by their attorney, with the attorney refusing service for the FIRST time, claiming he didn't represent these parties, when in fact he was their attorney of record.

16.	10/28/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	Subpoenas for Joseph and Catherine Evaristo to appear in court with their identification, were evaded by their attorney, with attorney refusing service for the SECOND time, claiming he didn't represent these parties, when in fact he was their attorney of record. Process server served Subpoenas regardless.
17.	10/29/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	Attorney filed a Reply on behalf of the Evaristos in the Bankruptcy Court, regarding their Motion For Relief from the Automatic Stay, despite one day earlier, claiming that he didn't represent the Evaristos.
18.	10/29/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	The Reply in # 17 above, contained exhibits of the alleged California Driver Licenses for Joseph Evaristo and Catherine Evaristo. The identification had the addresses of both parties redacted, so that the parties cannot be served, located, or properly identified.
19.	10/29/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	The exhibits in # 18 above: Signatures of both Joseph Evaristo and Catherine Evaristo on their California Driver Licenses, do not match their initial signatures, under penalty of perjury, on the April 23, 2024 Complaint for Unlawful Detainer, filed in the California Superior Court, County of Los Angeles, case number 24STCV10207.
20.	10/29/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	The exhibit in #18 above, a "Trust Agreement" for the Evaristo Family Trust, Dated May 4, 2016, was partially redacted. Said partial redaction renders said document such that it fails to unequivocally establish the standing of the Evaristos in the Unlawful Detainer Case, or their ownership in the subject property unit.

21.	10/29/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	<p>The Reply in #17 above, contained a Declaration by Joseph Evaristo, under penalty of perjury, with a signature that does not match his initial signature, also under penalty of perjury, on the April 23, 2024 Complaint for Unlawful Detainer, filed in the California Superior Court, County of Los Angeles, case number 24STCV10207.</p>
22.	11/05/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	<p>Attorney who claimed he did not represent the Evaristos, appeared in court for the Evaristos.</p>
23.	11/05/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	<p>The Evaristos, who were both Subpoenaed and were required to appear in-person at a first hearing, along with identification and documents, failed to do so.</p>
24.	11/07/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	<p>Subpoenas for Joseph and Catherine Evaristo to appear in court with their identification, were evaded by their attorney, with attorney refusing service for the THIRD time, claiming he didn't represent these parties, when in fact he was their attorney of record. Process Server served the documents regardless.</p>
25.	11/19/24	U.S. Bankruptcy Court California, Central District	2:24-bk-18194- WB	RE: Bru Muller, Debtor	<p>The Evaristos, who were both Subpoenaed and were required to appear in-person at a second hearing, along with identification and documents, failed to do so.</p>
26.	01/24/25	Private Investigator Report	Private Investigator Report	Private Investigator Report	<p>Plaintiffs obtained a report from a private investigator, for the Joseph Evaristo that holds the California Driver License that he presented in a court document. Said report states that Joseph Evaristo has 11 aliases.</p>

27.	01/24/25	Private Investigator Report	Private Investigator Report	According to the same aforesaid report in #26 above, Joseph Evaristo has two (2) Social Security Numbers. One of Joseph Evaristo's Social Security Numbers belongs to a deceased person.
-----	----------	-----------------------------	-----------------------------	--